

**MEDIA RELEASE**

**Attention: News Director  
For Immediate Release  
March 6, 2007**



**U.S. DEPARTMENT OF JUSTICE  
DAVID L. HUBER  
UNITED STATES ATTORNEY  
Western District of Kentucky**

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**PLEASED BE ADVISED THAT NO FURTHER STATEMENTS OR COMMENTS ARE  
AVAILABLE FROM THE U.S. ATTORNEY'S OFFICE UNTIL FURTHER NOTICE.**

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**SYBIL SMITH, FORMER TREASURER OF THE TODD KELLY FOUNDATION,  
CHARGED FOR FAILING TO REPORT MAIL AND WIRE FRAUD**

***– Commonwealth Attorney David Stengel is praised for his office's investigation***

David L. Huber, United States Attorney for the Western District of Kentucky, announced today that an **Information was filed** by the United States Attorney charging **SYBIL SMITH**, age 68, of 203 Woods Road, in Hardin County, with failing to report mail and wire fraud being perpetrated by her son, Todd E. Smith, a.k.a. Todd Kelly. The Information alleges that between January 1, 2002, and May 31, 2005, **Sybil Smith** knew that Todd E. Smith was committing mail and wire fraud and failed to report that crime to law enforcement.

According to the February 9, 2007, Federal Bureau of Investigation affidavit of Special Agent Lawrence Elbert in support of a criminal complaint filed against Todd Smith and Sybil Smith, in 2001 Todd Smith, a former radio personality with WDIX, announced to family, friends and coworkers that he had been diagnosed with Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease, and that doctors had told him he had three to five years to live.

This Indictment is the result of the joint investigative efforts of the Jefferson County

Commonwealth Attorney's Office, Kentucky State Police, and the Federal Bureau of Investigation. This case is a model for state and local cooperation with the federal agencies. I commend David Stengel for his office's continued good work with us on a matter important to the community.

In 2002, Todd Smith announced that he was establishing the Todd Kelly Foundation to raise money for ALS research. On its website, the Todd Kelly Foundation stated: "by making a tax deductible donation to the Todd Kelly Foundation-ALS Research, you are directly funding the ground-breaking research that will one day provide treatments and a cure for this devastating disease," and "OVER 80 CENTS OF EVERY DOLLAR YOU GIVE GOES STRAIGHT TO SCIENTIFIC RESEARCH. We promise that your donation will be used wisely and effectively."

Over the next several years, Todd Smith held various fund raising events to generate funds for the Foundation. Smith solicited and received thousands of dollars in donations from hundreds of donors by interstate wire and United States mail. These fund raisers were often advertised on both television and radio broadcasts. Throughout the various fund-raising events, Smith continued to assert that he suffered from ALS and frequently sent emails and letters updating potential donors on his medical condition.

In 2004, Todd Smith alleged that in addition to ALS, he was also suffering from bone cancer, and that he might lose both of his legs. Todd Smith also claimed that he was in thousands of dollars of debt resulting from ALS and cancer related medical expenses that were not covered by insurance. In addition to the fund raisers held on behalf of the Todd Kelly Foundation, fund raisers were also held to benefit Todd Smith directly, to offset his uncovered medical expenses. These events raised thousands of dollars in additional donations, paid directly to Todd Smith.

The Todd Kelly Foundation's Fifth Third Bank account records reflect that contrary to the representations on its website, no Foundation funds were contributed to ALS research. Sybil Smith

was the Todd Kelly Foundation's Treasurer and was an authorized signer on the Foundation's bank account from its inception until May 2005. As Treasurer, Sybil Smith paid bills, reviewed bank records, and deposited donations made to the Todd Kelly Foundation.

On the other hand, analysis of the Todd Kelly Foundation account withdrawals reflects, among other things, that Todd Smith used Todd Kelly Foundation funds to pay for other fund raisers and to pay for thousands of dollars of his own personal expenses, including car payments, car insurance payments, cable and telephone bills, meals at restaurants, limousines, vacations, and alcohol.

In the event of a conviction, the maximum potential penalties are 3 years imprisonment, a \$250,000 fine, and supervised release for a period of 1 year.

The case is being prosecuted by Assistant United States Attorneys David Weiser and Ann Claire Phillips, and it was investigated by the Jefferson County Commonwealth Attorney's Office, the Kentucky State Police, and the Federal Bureau of Investigation.

**Sybil Smith** is scheduled to appear for arraignment/change of plea before the United States Magistrate Judge on March 20, 2007, at 9:30 a.m., in Louisville, Kentucky.

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**The charge of a person by information is an accusation only and that person is presumed innocent until and unless proven guilty.**

**- END -**

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